

ATTACHMENT E

Meet and Confer Emails

Laurie Bejoian

From: James Pistorino <james@dparrishlaw.com>
Sent: Friday, September 15, 2017 8:26 PM
To: Debbie Parrish; Laurie Bejoian; Tanya Terza
Subject: FW: Carol Lewis v. Price - 15-CV-13530-NMG

-----Original Message-----

From: Johnson, Anita (USAMA) [mailto:Anita.Johnson@usdoj.gov]
Sent: Friday, September 15, 2017 5:12 PM
To: James Pistorino <james@dparrishlaw.com>
Subject: Re: Carol Lewis v. Price - 15-CV-13530-NMG

Mr. Pistorino, what you need to know at this point in time is the government's position on your motion. The government's position is that it opposes the motion. If you have any information that you have not conveyed and that you wish to convey at this point in time, please feel free to email me that information. I don't know how to be any clearer!

Anita Johnson

Sent from my iPhone

> On Sep 15, 2017, at 7:53 PM, James Pistorino <james@dparrishlaw.com> wrote:

>
> Ms. Johnson,
>
> Thank you for your note.
>
> As I requested in each of my previous messages, please let me know when you are available to meet and confer.
> In terms of our brief, unfortunately, we are not in a position to send that to you now.
>
> Regards,
> James Pistorino

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> -----Original Message-----

> From: Johnson, Anita (USAMA) [mailto:Anita.Johnson@usdoj.gov]
> Sent: Friday, September 15, 2017 4:17 PM
> To: James Pistorino <james@dparrishlaw.com>
> Subject: RE: Carol Lewis v. Price - 15-CV-13530-NMG

>
> Thank you. the government's position is that it intends to oppose a Motion to Alter or Amend/relief the Judgment in this action. If you would like to tell me more about your position, you are welcome to do that, but I am on in a position to discuss or comment on the substance of your position until I see your brief.

>
> Anita Johnson

>
> -----Original Message-----
> From: James Pistorino [mailto:james@dparrishlaw.com]
> Sent: Thursday, September 14, 2017 8:37 PM
> To: Johnson, Anita (USAMA) <AJohnson3@usa.doj.gov>
> Subject: RE: Carol Lewis v. Price - 15-CV-13530-NMG
>
> Ms. Johnson,
>
> At least as we understand it, the rule requires a conference including a good faith effort to resolve or narrow the issue.
>
> Please let me know when you are available for a conference.
> I am available at your convenience at any time before Monday morning, when I will be travelling.
> Alternatively, please let me know that the government declines to participate.
>
> Regards,
> James Pistorino
>
>

> -----Original Message-----
> From: Johnson, Anita (USAMA) [mailto:Anita.Johnson@usdoj.gov]
> Sent: Thursday, September 14, 2017 6:55 AM
> To: James Pistorino <james@dparrishlaw.com>
> Subject: Re: Carol Lewis v. Price - 15-CV-13530-NMG
>
> Thank you. The government's position is that it will oppose plaintiff's motion. That is what is necessary for you to assert compliance with Rule 7.1, as typically practiced. If plaintiff has further information that, in your view, will change the government's position, I would be pleased to receive it.
>
> Anita Johnson.
>
> Sent from my iPhone
>
>> On Sep 13, 2017, at 10:54 PM, James Pistorino <james@dparrishlaw.com> wrote:
>>
>> Ms. Johnson,
>>
>> Thank you for your response.
>> I hope you had a nice vacation.
>>
>> I understand that the government may still oppose.
>> Nevertheless, the Rule, requires us to confer in an effort to resolve what we can.
>> At a minimum, a discussion would allow us to understand each other's position more fully.
>>
>> Please let me know when you are available to meet and confer.
>>
>> Regards,
>> James Pistorino
>>

>> -----Original Message-----
>> From: Johnson, Anita (USAMA) [mailto:Anita.Johnson@usdoj.gov]
>> Sent: Wednesday, September 13, 2017 4:33 PM

>> To: James Pistorino <james@dparrishlaw.com>

>> Cc: Laurie Bejoian <ljbjoian@beblawoffices.com>; Debbie Parrish <debbie@dparrishlaw.com>

>> Subject: Re: Carol Lewis v. Price - 15-CV-13530-NMG

>>

>> I have been out of the office on vacation Thank you for the information. The government will oppose the motion.

>>

>> Anita Johnson

>>

>> Sent from my iPhone

>>

>> On Sep 12, 2017, at 2:48 PM, James Pistorino <james@dparrishlaw.com<mailto:james@dparrishlaw.com>> wrote:

>>

>> Ms. Johnson,

>>

>> Ms. Lewis intends to file a motion to alter or amend/relief from judgment entered on August 22, 2017 in the above referenced case.

>> Please let me know when you are available this week to discuss this matter in order to comply with Local Rule 7.1(a)(2) regarding meet and confers.

>>

>> Ms. Lewis' motion is based on numerous grounds.

>> Some of those grounds include the fact that the case cannot be moot when Ms. Lewis has received neither payment, a commitment of payment, or an order of payment for claims stretching back to December 2012.

>> In Ms. Lewis view, there are also several fatal procedural defects.

>> Included among these is the failure to follow any of the procedural requirements for converting a motion to dismiss into a motion for summary judgment, deciding disputed jurisdictional facts that implicate the merits, etc.

>>

>> I am available to meet and confer at your convenience and look forward to hearing from you.

>>

>> Regards,

>> James Pistorino

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